

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE TREMONT SECURITIES LAW,
STATE LAW AND INSURANCE
LITIGATION

Master Docket No:
08 Civ. 11117 (TPG)

This Document Relates to: All Actions:

**DECLARATION OF VINCENT T. GRESHAM IN SUPPORT OF THE
TREMONT FUND OBJECTORS' ADDITIONAL ORAL ARGUMENT
OBJECTIONS AND RESPONDING TO THE ARGUMENTS IN LEAD
COUNSELS' DECLARATION OF 8/20/2012 (ECF-1172)**

I, Vincent T. Gresham, declare under penalty of perjury, as follows:

1. I am counsel for Objectors Bindler Living Trust, Madelyn Haines, William J Millard Trust, Stella Ruggiano Trust, George Turner and Paul Zamrowski. I was admitted pro hac vice in this case on September 24, 2009. I make this declaration voluntarily based on my own personal knowledge and, if called upon to do so, would testify competently thereto.
2. Attached hereto as Exhibit 1 is a true and correct copy of e-mails between one of lead counsel, Mr. Entwistle and myself dated Wednesday, August 19, 2015 which raise issues that I will address in oral argument at today's hearing.
3. Attached hereto as Exhibit 2 is a true and correct copy of a projected list of attendees at the August 24, 2015 hearing.
4. Attached hereto as Exhibit 3 is a true and correct copy of the case *Uforma/Shelby Bus. Forms v. NLRB*, 111 F.3d 1284, 1294 (6th Cir. 1997) which states in relevant part: "we hold that Rule 408 does not exclude evidence of alleged threats to retaliate for protected activity when the statements occurred during negotiations focused

on the protected activity and the evidence serves to prove liability either for making, or later acting upon, the threats.”

5. Attached hereto as Exhibit 4 is a true and correct copy of the case *Ausherman v. Bank of Am. Corp.*, 212 F. Supp. 2d 435, 455 (D. Md. 2002) which states in relevant part: “For those who see within Evid. Rule 408 the reflection of their own ingenuity at having discovered a means to lie, threaten, or coerce with impunity to negotiate a settlement advantageous to their clients, the sanctuary they perceive is illusory. The rule itself, on its face and interpreted as it must be--under Evid. Rule 102 to obtain a fair and just result--allows no such use. Nor will the courts allow a rule intended to promote the fair resolution of disputes to be perverted by a use that would undermine the very reason for its existence.”

I declare under penalty of perjury, under the laws of the United States, that the foregoing information is true and correct.

Executed in Atlanta, Georgia on 8/24/2015.

/s/ Vincent T. Gresham

Vincent T. Gresham